Federal Aviation Administration

Memorandum

Date: September 29, 2023

To: Directors, Regional Division Managers, ADO Managers, and Compliance Specialists

From: Kevin C. Willis, Director, Office of Airport Compliance and Management Analysis, ACO-1 (Coordinated with AFS-830)

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Subject: ACTION: Compliance Guidance Letter 2023-01 – Overview of Aircraft Operations on/from Airport Unpaved Areas

I. PURPOSE

This Compliance Guidance Letter (CGL) discusses certain aircraft operations on/from an airport's unpaved areas such as from grass areas adjacent to runways or taxiways, sometimes known as an Operating Area where certain aeronautical operations may take place.[1] This CGL presents common operational practices used at general aviation airports[2] and addresses the misperception that some of these operational practices are inherently unsafe or risky. This in turn has led to unnecessary restrictions and have become the genesis for many informal 14 Code of Federal Regulations (CFR) §13.2 and formal 14 CFR Part 16 complaints.

Misinterpretation and misapplication of Federal Aviation Administration (FAA) airport design standards [e.g., Runway Safety Area (RSA), Object Free Area (OFA), and runway separation distances] exacerbate the situation by incorrectly serving as a basis for restricting operations. This CGL discusses the coordination between the Office of Airport Compliance and Management Analysis (ACO) and the General Aviation and Commercial Division (AFS-830)[3] on these types of operations when an airport wants to impose restrictions, or when aeronautical users file complaints.

[1] An operating area is not an official FAA airport design designation. *See AC 150/5300-13-B* section 2.10.6 on Aircraft Operations in the Unpaved Runway Safety Area. This is not a runway as defined by the FAA. However, the term is used by the FAA in its operational guidance (e.g., *see* AC 90-66). An operating area is typically an unpaved area (turf/grass, gravel, and soil) intended for use for the landing or takeoff of aircraft. These areas are typically adjacent to established paved runways or taxiways, and may not have gone through the FAA's review and approval process.

[2] For the purpose of this CGL, the term airport does not include Heliport, Vertiport, Gliderport, Seaplane Base, Ultralight Park, or Balloonport because those are specific types of landing areas and incorporate features or characteristics that are not necessarily related to the issue under consideration.

[3] As part of AFS, AFS-830 is the branch of the General Aviation and Commercial Division (AFS-800) tasked with the coordination of operational airport safety concerns at federally-obligated airports. AFS-800 is responsible for regulations and policy development governing the training, certification, inspection, and surveillance of General Aviation (GA) airmen, flight instructors, GA air agencies (pilot schools), commercial operations (rotorcraft, external-load, agricultural,

II. RESPONSIBILITIES

Regional Offices (ROs) and Airport District Offices (ADOs) should refer to this CGL when reviewing proposals by airport sponsors, or complaints concerning restrictions of certain aviation activities such as parachuting operations, glider operations, banner towing, powered parachute activities, ultralight operations, weight-shift control aircraft, balloon operations, etc. This CGL also assists in determining whether further coordination with or assistance from ACO is necessary. ACO may need to further coordinate with AFS-830 since that office is the designated liaison with the Office of Airports (ARP) in determining operational safety within the context of restrictions by an airport sponsor or/and complaints by airport users. ACO may also coordinate with other ARP divisions [Office of Airports Safety and Standards (AAS), Office of Airports Planning and Programming (APP)], the Airports and Environmental Law Division (AGC-600), or other FAA lines of business (LOBs).

III. BACKGROUND

Airport sponsors may sometimes seek guidance from the ADOs/ROs on restricting aeronautical operations on or from unpaved areas near runways or taxiways because they perceive the activity as unsafe. This may occur despite such operations being common and conducted safely using existing Federal Aviation Regulations (FARs), policy (e.g., FAA Orders), guidance (e.g., Advisory Circulars), or appropriate standard operating procedures (SOPs). Some airport sponsors attempt to justify restrictions as necessary because the proposed operations infringe upon a safety area (e.g., RSA, OFA) in Advisory Circular (AC) 150/5300-13 *Airport Design*, or because the practice is interpreted as "non-standard" from an airport design perspective.

Most airport design criterion tailors toward traditional aeronautical uses (e.g., 14 CFR Part 23 and 25 certificated fixed-wing aircraft). Other aeronautical activities, such as gliders, skydiving, powered parachute, banner towing, balloons, and ultralight operations have to integrate with existing facilities. Restricting them without valid justification (which needs FAA concurrence) is not consistent with the airport's Federal obligations, especially the obligations "to make airport available to all types, kinds and classes of aeronautical activities" and not granting exclusive rights.

The standards in AC 150/5300-13 are for the design of civil airports and are applicable for the construction of projects funded with Federal grants or PFCs (Passenger Facility Charges). Airport sponsors may not use FAA airport design standards (or lack thereof) to restrict aircraft operations or to make a finding that an operation is unsafe. While FAA airport design standards contribute to safety of operations at an airport, they do not determine aircraft operational safety. Aircraft operational safety is regulated by the FAA's Flight Standards Office (AFS). AC 150/5300-13 specifically states that its standards do not limit or regulate the operations of aircraft. Therefore, aircraft operations cannot be prevented, regulated, or controlled simply because the airport or runway does not meet the design standards for a particular aircraft type.

In those cases where an airport imposes a restriction, or an aeronautical user files a complaint, the FAA may need to review the matter. If so, it must be done in a consistent manner. The goal is to balance the (1) specifics and circumstances of the case, (2) airport compliance requirements, (3) AFS

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banner tow, 14 CFR Part 125 operators, Part 91, corporate, business, personal, and recreational (e.g., aviation events, experimental aircraft, parachute, and ultralight operations), Part 91 subpart K fractional ownership (Part 91K), and public aircraft operations. The types of operations discussed in this CGL are specific to AFS-830. In addition, AFS-830 is the Office of Primary Responsibility (OPR) for the airport risk assessment guidance in FAA Order 8900.1 Vol. 8, Ch. 3, Sec. 5 *Risk Assessments for Various Airport Aeronautical Activities.*

oversight of operational safety determinations, and (4) when applicable and pertinent, the role of the airport design standard(s).

IV. STATUTES, REGULATIONS, POLICY, AND GUIDANCE

The FAA has statutory and preemptive authority to make determinations concerning aviation safety, including the Acceptable Level of Safety (ALoS) of aviation operations. [49 U.S.C. §§ 40101, and 40103(b)].[4] Therefore, any airport sponsor restriction or prohibition enacted for safety reasons must be coordinated with, or sometimes approved by the FAA. Federally obligated airports must comply with 49 U.S.C. § 47107 (grant assurances) and/or property conveyance obligations (49 U.S.C. § § 47152 and 47125), both establish the need to balance airport access and safety. In furtherance of these statutes, the FAA has a comprehensive oversight framework that governs and supports many aeronautical activities and their safety. Also, see below and Attachment 1.

A. Grant Assurances and Federal Obligations (49 U.S.C. § 47107)

- **Grant Assurance 19**, *Operation and Maintenance* requires the airport sponsor to operate the airport and all facilities in a safe and serviceable manner.
- **Grant Assurance 22**, *Economic Nondiscrimination* requires the airport sponsor to make an airport available as an airport on reasonable terms and without unjust discrimination to all types, kinds, and classes of aeronautical activities and to do so safely and efficiently.
- **Grant Assurance 23**, *Exclusive Rights* prohibits airports from granting exclusive rights to use the airport.
- **Grant Assurance 29**, *Airport Layout Plan* requires FAA approval of changes or alterations at the airport that might adversely affect the safety, utility, or efficiency of the airport.
- Obligations contained in surplus and non-surplus property conveyances are also applicable.

B. FAA Order 5190.6B *Airport Compliance Manual*

FAA Order 5190.6B *Airport Compliance Manual* provides additional guidance on the applicable obligations and the process to use in coordinating with other FAA LOBs. *See* Chapter 14 *Restrictions Based on Safety and Efficiency Procedures and Organization*.

C. FAA Order 8900.1 Vol. 8, Ch. 3, Sec. 5

FAA Order 8900.1 Vol. 8, Ch. 3, Sec. 5 *Risk Assessments for Various Airport Aeronautical Activities* was developed jointly between ACO and AFS-800 in 2016 to specifically address cases where an airport sponsor seeks to restrict an aeronautical activity. The guidance

[4] The term "ALoS" is used throughout the FAA. As noted in FAA Order 8000.369 *Safety Management System* and referenced in FAA Order 5200.11 *FAA Airports (ARP) Safety Management System,* a primary objective of the FAA is to ensure that it has processes and procedures in place so that safety performance is maintained at an acceptable level and specified operational results are achieved. The FAA uses a risk management approach for its decisions and establishes suitable policies and methods of evaluation to ensure an Acceptable Level of Safety (ALoS).

supports ARP determinations, either informal or formal. It is advisory if applied early in the process.

V. DISCUSSION AND ANALYSIS

A. Overview

While the preferred method is for airports to establish a turf runway using design standards per AC 150/5300-13 to accommodate certain types of operations, this may not be possible or practical in some cases. Sometimes the existing FAA airport design standards may not be applicable or suitable to certain operational situations. The application of or lack of design standards to a specific situation does not by itself imply an unsafe condition. Therefore, design standards (or lack thereof) do not justify prohibiting the use of unpaved surfaces on the side of a runway, prevent an airport from permitting off-runway operations, imply a finding of noncompliance, or support denying a reasonable request from an operator.

Many airport sponsors and aeronautical users apply appropriate operational requirements, such as FAA regulations and guidance, common industry best practices, and SOPs to ensure safe operations. Some have coordinated with their jurisdictional Flight Standards District Office (FSDO) about general safety of these operations and procedures. In certain cases, the Airport Layout Plan (ALP) or Landing Area Sketch from the 14 CFR Part 157/Form 7480-1 process may depict any unpaved areas for use by aircraft. In other cases, these areas may be in an airport diagram, included in the airport's rules and regulations, Airport/Facility Directory (AF/D) Chart Supplement (CS) publication, or airport websites. Sometimes, a NOTAM (Notice to Airmen) may be issued when a permanent location has not been designated, the activity is temporary, or when relevant information becomes available too late to publicize in the associated aeronautical charts and related publications.

B. Limitation on an Airport Sponsor's Ability to Restrict and FAA's Role

Airports should manage operations by using site-specific operational mitigations, operating agreements, leases, minimum standards, rules and regulations (sometimes as local ordinances), or SOPs. In conjunction with FAA regulations, guidance, and operational procedures, these processes are common and effective practices to ensure safe operations in aeronautical environments. They preserve the airport sponsor's rights, powers, and responsibilities. The FAA supports an airport sponsor's interest in carrying out their responsibility to operate a safe airport. The FAA also recognizes the airport sponsor's ability to designate certain areas of the airport for certain types of operations, and most airports do so with reasonable terms and conditions and for sound reasons.

However, the airport's role and authority is not absolute. Restricting actions must be justified and are subject to FAA review. In some cases, reasonable accommodation means providing access to areas other than the runways or taxiways and does not require an airport to cease operations from paved runways, taxiways, or safety areas. On the other hand, airport geography and/or land availability may dictate that only the runway environment is available for non-traditional aircraft activities. Depending on the circumstances, imposing certain restrictions may be an unreasonable or unjustly discriminatory term or condition under the applicable Federal obligations, and may also grant an exclusive right. In some cases the imposition of a restriction or an operational requirement may actually introduce unsafe conditions or create safety risks.

Restrictions and complaints are usually the triggering events that raise compliance concerns. Additional coordination may be necessary because of disagreements between the airport sponsor and

specific users, between users themselves, or even involving a specific FAA office or organization. When that happens, it may be necessary to consult AFS-830 because AFS plays the central role in evaluating operational safety. From an ACO perspective, this is a critical step in determining whether an airport sponsor is providing reasonable access for these activities under the Grant Assurances and other Federal obligations. The FAA review is especially appropriate in cases where the parties make divergent safety arguments, particularly regarding existing FAA guidance.

The FAA has the authority to examine the circumstances and make decisions concerning safety, and the FAA, not the airport sponsor, is the final authority in determining what constitutes an acceptable level of safety for aeronautical activity at the airport. While the FAA may consider the airport or operator's input or related findings, they do not bind the FAA. In the context of a 14 CFR Part 13.2 or Part 16 complaint, the FAA makes the ultimate determination (including a safety determination by AFS) on whether the sponsor's proposed measures restricting, limiting, or denying access to the airport are reasonable, unjustly discriminatory, or consistent with other Federal obligations. Efficiency impacts are also relevant, and the FAA's authority over the use of airspace includes that consideration. The FAA review is also appropriate in those cases when safety arguments and interpretations differ from past FAA decisions. In addition, an airport sponsor may not restrict access to an airport based on whether the sponsor believes a particular aeronautical operator is appropriately certificated by the FAA or complies with a particular FAA regulation, e.g., 14 CFR Part 91, 103, or 105. An operator's compliance with the applicable FARs is an AFS function.

C. Consultation with AFS-830 and Other FAA-ARP Divisions

As a practical concept, a compliance determination would ultimately rely on an ALoS determination by AFS. That AFS determination is not based on the application of a single requirement. Rather, by using the applicable safety determination processes, an ALoS takes into account many variables. These variables include: the applicable risk management guidance (e.g., FAA Orders and other publications), the applicable FARs, type of aircraft, type of airport, operational conditions, coordination with ATO (if applicable), airport design standards, airport planning requirements, airport certification requirements (if applicable), airport sponsor processes, and airport specific circumstances.

The level of consultation and subsequent outcome varies based on the circumstances of each case. In cases where an airport owner decides to restrict operations, the ADO/RO should coordinate with ACO for review and evaluation, which may result in ACO reaching out to AFS-830 for assistance, guidance, or a safety determination. This coordination process between ACO and AFS, established in 2016, is now national policy embodied in FAA Order 8900.1 Vol. 8, Chap. 3, Sec. 5 (Change 502). If appropriate, AFS-830 may also coordinate with the jurisdictional FSDO and Air Traffic Organization (ATO). Not every case requires an AFS-830 safety assessment. In some cases, AFS may determine that an FAA airport risk assessment for specific aeronautical activity/operations at a specific airport is not warranted. This may be because:

- The ALoS is already in place or within reach;
- There are no unusual or unique characteristics requiring further review; or
- Existing FAA regulations, guidance, and operational procedures are sufficient.

In addition to coordination with AFS-830, as part of the process, ACO may also coordinate with AAS-100 (airport design), AAS-300 (14 CFR Part 139), and APP-410 (e.g., ALP depictions).

D. Integration of Common General Aviation Activities and Practices

The integration of many different types of activities and operations at an airport is not necessarily intuitive. It is not uncommon to see a jet on final approach for one runway, with slower single-engine aircraft in the pattern, while a helicopter transitions from a hover training area adjacent to that same runway for an upwind departure and a glider is about to be released over the airport. All of this could be happening while an ultralight is below 400 feet under the pattern practicing take-off and landings from an adjacent inward landing area in the grass. Existing FAA regulations, guidance, and operational procedures regularly allow this to happen and examples are plentiful. Restricting powered-parachutes, ultralight, and glider operations to only use the active runway or requiring helicopters to only use the helipad, may not only be impractical, but also unsafe, outside of the aircraft capabilities, and contrary to FAA guidance. Some operations like powered-parachutes and ultralights are generally safer on grass areas and not paved runways.

E. Operations Adjacent to Runways and in Other Areas

Parallel runway separation criteria are identified in AC 150/5300-13B, which is aligned to FAA Order 7110.65, which deals with an air traffic controller authorizing simultaneous, same direction operations at a towered airport, where the minimum separation between two runways can be as low as 300 feet for Category I or Category II aircraft.[5] This minimum separation can also be found in an ALP. At a non-towered airport, the minimum separation between two runways can be as low as 700 feet. Note these criteria apply to designated runways, not operations in the unpaved areas of. Because the unpaved operating area in the RSA is not a runway, it is not evaluated per parallel runway separation standards. In some environments, such as operations at non-towered airports, there is no FAA operational requirement that prohibits parallel runways from being used if they do not meet the 700 feet separation design standard[6] for Visual Flight Rules (VFR) simultaneous landings and takeoffs. Again, design standards are related to, but distinct from, operating practices.

Some aircraft operations are generally safer on grass areas and not paved runways because of design features, limited maneuverability, and operating limitations (e.g., tailskids, tundra tires, skis, floats, tailwheels). Some airport design standards, like the OFA, do not necessarily lead to or require operational limitations. In many cases, AFS has determined that the coexistence of a safety area with a particular aeronautical activity is not inherently unsafe. For example, a Parachute Drop Zone (PDZ) may be safely co-located within, or overlapping an OFA. Conversely, a fuel truck located on, or designating a fueling area in the OFA is not appropriate and thus restricting it or some vehicular activity may be a reasonable action by the airport sponsor. The "just discrimination" element here is the distinction made between a skydiver, an ultralight, or a powered-parachute and a ground vehicle.

F. Discussion and Operational Examples

There are many examples of situations where an airport design standard can coexist with a particular operation or requirement and balance between safety and access is achieved.

Gliders

If both airplanes and gliders use the same runway, the glider traffic pattern will be inside the pattern of engine-driven aircraft. If a glider operating area is established to one side of a runway, the glider

[5] FAA Order JO 7110.65AA - *Air Traffic Control.*
[6] AC 150/5300-13B, par. 3.9, *Parallel Runway Separation.*

pattern will normally be on the side of the airport closest to the glider operating area. This will allow gliders to fly the same direction traffic pattern as powered aircraft in certain wind conditions and necessitate a separate, opposing direction traffic pattern in other wind conditions. (*See* AC 90-66 *Non-Towered Airport Flight Operations*).

Requiring ground launches of gliders from a runway may not be appropriate because it introduces risks to safety by promoting the presence of vehicles, equipment (e.g., winch system) and ground personnel on the runway itself. In that case, it would be more practical and safer to designate an adjacent area for that purpose, even if it is not a designated turf runway. FAA guidance (AC 90-66) describes this very issue by depicting glider and ultralight "operating areas" adjacent to paved runways because of low wingtip ground clearance, considerations of airport layout, runway configuration, and other limitations. In fact, it would not be unusual for an airport to require glider operations "be conducted along the north side of the runway in accordance with traffic patterns reviewed by the FAA," de facto indicating that the FSDO already assisted that airport sponsor.

Some airports allow glider tow plane landings "on the glider operating area, the area between runways, or the paved runway" or allow tow plane operations in areas adjacent to a runway.[7] Others may limit necessary vehicles in glider staging areas to only deliver/retrieve gliders, while restricting their access to the taxiways or runways without specific clearance by airport staff and/or Air Traffic Control (ATC), if applicable.[8] This type of flexibility can enhance safety of operations. So from an operational safety standpoint, the best course of action may, in a specific case, permit (or even encourage or require) gliders to sidestep to the grass while on final approach and avoid landing on the runway. This would allow the gliders to avoid high occupancy times (a risk factor in and of itself), be more easily retrieved and removed, or avoid damage to aircraft or runway lights. In fact, in a prior 14 CFR Part 16 decision, the FAA found an airport in compliance with its Federal obligations, in part because as directed by AFS, the airport relocated the aeronautical activity away from the runways to enhance operational safety.[9]

Ultralights

For ultralights, FAA guidance notes that some airports have a specific operating area designated for ultralight operations to use rather than the main runway and avoid potential conflicts with other operations (AC 90-66). Ultralight vehicles should fly the rectangular pattern and pattern altitude should be 500 feet below and inside the standard pattern established for the airport. An ultralight pattern with its own dedicated operating area will typically have a lower traffic pattern parallel to the standard pattern, with turns in the opposite direction. Some airports require "ultralights to use the airport taxiway for take-off and landing operations" to de-conflict traffic or avoid extended runway occupancy times while coordinating with users "to make accommodations somewhere else on airport property." In some instances, airport rules and regulation affecting gliders may be detailed. For example, it may note that landings on "the grass area to the north side of runway 25" are permissible if "cleared without delay" while permitting operations from aprons, taxiways, or other areas by gyroplanes, powered lift, or airships if there is coordination with the airport.

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[7] Specifically, it is permissible to taxi and hold aircraft in the OFA. This includes gliders and/or tow aircraft maneuvering before takeoff or after landing. *See* AAS-100 Memorandum to ACO-1, *Airport Design Standards to Glider and Parachute Operations* (August 5, 2010).

[8] Many ATC operational issues are managed using a Letter of Agreement (LOA), which incorporate FAA, user, and airport sponsor's input.

[9] *Isaac Jones and AL Hang Gliding Assn v. Lawrence County, Alabama*, FAA Docket No. 16-11-07, July 16, 2012.

Lighter-Than-Air

Balloons and other lighter-than-air aircraft have their own operational characteristics. Generally, operators can conduct launching, landing, and recovering of balloons at an airport in a safe manner. Safety concerns may require the use of airport areas not previously considered for aeronautical use by the airport. For example, an area located between taxiways may very well be the most appropriate location for a balloon staging area. The same is true for airships that do not fly a standard traffic pattern and where ground operations sometimes require or take place in areas adjacent to, or in between, runways and taxiways.

Rotorcraft

The FAA guidance for rotorcraft provides that in ensuring an unobstructed takeoff path, taking off over a taxiway is permissible. ATC helicopter clearances cover operations from movement areas other than active runways and from non-movement areas.[10] It is not uncommon for airport rules and regulations to ask that helicopters use a specific taxiway for take-offs, landings, hover, and permit approach and landing direct to a parking area. Airports regularly work with operators in selecting a suitable airport location to perform autorotation training, which does not have to be a runway or a taxiway. However, a CS notation or local SOP may restrict maneuvers (e.g., auto-rotation, sliding skid ops) to only paved surfaces to avoid surfaces that could cause Foreign Object Damage/Debris (FOD).

Parachute Operations

Generally, an airport sponsor's adherence to 14 CFR Part 91, 14 CFR Part 105, AC-105-2, AC-90-66 and the U.S. Parachute Association (USPA) *Basic Safety Requirements* (BSR) are sufficient to achieve an ALoS for parachuting operations. As provided by FAA guidance, an airport may designate a suitable PDZ (Parachute Drop Zone). FAA recommends that such areas remain unobstructed. FAA expects parachutists to land within the PDZ and avoid landing on runways, taxiways, aprons, and their associated safety areas. While areas such as runways, taxiways, clearways, and their associated safety areas are not prohibited areas, airport operators should not designate such areas as primary landing areas. If used, the parachutist should vacate these areas as soon as practicable. FAA guidance also stipulates that parachute operators need to coordinate with the airport prior to any operation, and follow the applicable regulations or procedures.

Note: For additional example, also see Attachment 2 - *Examples of Common Aeronautical Activities*.

G. Role of State Aeronautics Entities and State Laws

States do not have the authority to regulate the areas of aircraft safety, flight management, or the navigable airspace. State and local laws that attempt to regulate aircraft operations are preempted in accordance with the Federal statutory and regulatory framework. Much of state authority to regulate the operation of aircraft is vested except as provided in Federal regulations, authorizations, or exemptions. However, states do have other areas of authority that affect aviation. State laws (and local laws) control zoning and may have legal permitting, licensing, or rating requirements affecting landing areas. This may include airport operations manuals, landing area depiction requirements, minimum standards, operating procedures, and insurance requirements. Some states allow for safety-based restrictions, but not with respect to any "flight/operation which can be conducted in

[10] FAA Order JO 7110.65AA - *Air Traffic Control.*

accordance with the then FAA regulations." So, while state requirements may have to be considered when determining the balance between reasonable access and safe operations, they are generally designed to be compatible with and/or supplement the FAA's. If state requirements conflict or appear to conflict with FAA statutes, regulations, policy or guidance, contact ACO for assistance.

VI. CONCLUSION

Airports can safely accommodate most general aviation activities. Aeronautical users, operators, and the airport sponsors should collaborate to find a reasonable location on the airport for safe operation of the activity. Reliance on FAA regulations, policy and guidance, in combination with the sources of authority and processes that airport sponsors have at their disposal generally suffice to safely accommodate the variety of general aviation aeronautical operations from unpaved areas at civil airports. Often, reasonable accommodation means providing access to areas other than the runways or taxiways as designated operating areas.

Coordination between the operators and airport sponsor is an essential part of the process. Airports should also coordinate with the FAA to ensure that other issues and requirements (e.g., 14 CFR Part 157, 7480-1, and ALP) are addressed. Operational procedures (including visual depictions), CS updates, NOTAMs, special instructions, and maintenance requirements for any non-runway operating area, as well as training and educational programs to ensure that all airport users are informed and knowledgeable about the use of such areas should be considered by users and the airport. Appropriate mitigations such as designated specific operating areas, notification, hours of use, communication requirements, weight and surface condition restrictions and signage may be appropriate. Additionally, coordination between the airport and the jurisdictional FSDO about the general safety of these operations is recommended.

The goal of the FAA is to determine whether, from an operational perspective, the use of existing FAA regulations, policies, guidance and SOPs result in an ALoS for the activity at that airport. AFS, with their authority over aircraft operations, makes the final ALoS determination. In some cases, AFS can make that determination promptly, but in other cases a more in-depth review may be required, which may involve further coordination and mitigations. This may require additional coordination between ACO and AFS. The byproduct of this ACO and AFS-830 process is the balance between the airport's obligations to reasonably and safely accommodate the aeronautical activity. While ARP design standards may appear to conflict with certain permissible operations or activities (or in some cases where there are no ARP standards directly applicable), ARP will not support a prohibition of operations within unpaved areas if AFS determines there is an ALoS when conducting such operations or activities. Finally, the FAA makes the final determination of whether a restriction is reasonable and will do so if requested as part of a 14 CFR Part 13.2 informal complaint, or as part of a formal 14 CFR Part 16 adjudication.

VII. DISTRIBUTION AND CONTACT

This document is restricted to internal FAA use only. For more information, please contact Miguel Vasconcelos, Senior Airport Compliance Specialist, ACO-100. Tel (202) 267-4620, e-mail miguel.vasconcelos@faa.gov.

Attachment 1

Relevant 14 CFR Part 16 Adjudications

Several 14 CFR Part 16 cases discuss (1) the requirement to reasonably accommodating certain aeronautical activities, (2) the role of AFS in making safety determinations, and (3) how airport design standards are applied.

- FAA Docket No. 16-99-18 *United Aerial Advertising* v. *County of Suffolk, New York.*
- FAA Docket No. 16-00-11 *Ultralights of Sacramento* v. *County of Sacramento, California.*
- FAA Docket No. 16-02-08 *FAA v. City of Santa Monica, California.*
- FAA Docket No. 16-03-01 *Florida Aerial Advertising* v. *St. Petersburg-Clearwater Airport, Florida.*
- FAA Docket No. 16-03-11 *Bombardier Aerospace & Dassault Falcon Jet* v. *Santa Monica.*
- FAA Docket No. 16-04-01 *AOPA et all* v. *City of Pompano Beach, Florida.*
- FAA Docket No. 16-04-06 *Johnson, Glyn|Zoo City Skydivers* v. *Yazoo County, Mississippi.*
- FAA Docket No. 16-05-06 *Skydive Paris Inc.* v. *Henry County, Tennessee.*
- FAA Docket No. 16-09-02 *Drake Aerial Enterprises* v. *City of Cleveland, Ohio.*
- FAA Docket No. 16-09-13 *Orange County Soaring Association* v. *County of Riverside, California.*
- FAA Docket No. 16-11-06 *Jeff Bodin and Garlic City Skydiving* v. *City of Santa Clara, California.*
- FAA Docket No. 16-11-07 *Isaac Jones and AL Hang Gliding Assn* v. *Lawrence County, Alabama.*
- FAA Docket No. 16-12-04 *Frank Hinshaw* v. *State of Hawaii.*
- FAA Docket No. 16-14-05 *Skydive Myrtle Beach* v. *Horry County.*
- FAA Docket No. 16-16-01 *Luther Kurtz* v. *City of Casa Grande, Arizona.*
- FAA Docket No. 16-17-03 *Captain Errol Forman* v. *Palm Beach County, Florida.*
- FAA Docket No. 16-19-03 *Mile-Hi Skydiving Center* v. *City of Longmont, Colorado*.

Relevant FAA Regulations

- 14 CFR Part 21 *Certification Procedures For Products and Articles.*
- 14 CFR Part 23 *Airworthiness Standards: Normal Category Airplanes.*
- 14 CFR Part 27 *Airworthiness Standards: Normal Category Rotorcraft.*
- 14 CFR § 61.69 *Glider and Unpowered Ultralight Vehicle Towing.*
- 14 CFR § 91.3 *Responsibility and Authority of the Pilot in Command*.
- 14 CFR § 91.309 *Towing: Gliders and Unpowered Ultralights.*
- 14 CFR § 91.113 *Right-of-Way Rules.*
- 14 CFR § 91.307 *Parachutes and Parachuting.*
- 14 CFR Part 101 *Moored Balloons, Kites, Amateur Rockets, and Unmanned Free Balloons.*
- 14 CFR Part 103 *Ultralight Vehicles.*
- 14 CFR Part 105 *Parachute Operations.*
- 14 CFR Part 133 *Rotorcraft External Load Operators*.
- 14 CFR Part 139 *Certification of Airports*.
- 14 CFR Part 157 *Notice of Construction, Alteration, Activation and Deactivation.*

Relevant FAA Policy and Guidance

Note: Verify and use the most current version of the document below.

- FAA Order 5190.6B *Airport Compliance Manual.*
- FAA Order 5200.11A *FAA Airports (ARP) Safety Management System.*
- FAA Order 7110.65AA *Air Traffic Control.*
- FAA Order JO 7400.2K *Procedures for Handling Airspace Matters.*
- FAA Order JO 7210.3C, Chap. 4, Sec. 3 *LoA* and Chap. 19, Sec. 4 *Parachute Operations.*
- FAA Order 7930.2S *Notices to Airmen (NOTAM)*.
- FAA Order 8040.4B *Safety Risk Management Policy*.
- FAA Order 8130.2J *Airworthiness Certification of Aircraft.*
- FAA Order 8900.1 *Flight Standards Information Management System.*
- FAA Form 7480-1 *Notice for Construction, Alteration and Deactivation of Airports.*
- FAA Compliance Guidance Letter (CGL) 2014-01 *Procedures for Accepting and Investigating*
- *14 CFR Part 13 Informal Complaints* (2014).
- FAA Advisory Circular 61-140 *Autorotation Training.*
- FAA Advisory Circular 150/5300-13B *Airport Design.*
- FAA Advisory Circular 150/5370-10E *Standards* - Item P-217 *Aggregate -Turf Pavement*.
- FAA Advisory Circular 150/5190-7 *Minimum Standards for Commercial Aeronautical Activities*.
- FAA Advisory Circular 150/5200-28G *Notice to Airmen (NOTAMs) for Airport Operators.*
- FAA Advisory Circular 90-66C *Non-Towered Airport Flight Operations.*
- FAA Advisory Circular 90-89B *Amateur-Built Aircraft and Ultralight Flight Testing Handbook.*
- FAA Advisory Circular 90-48D *Pilots' Role in Collision Avoidance*.
- FAA Advisory Circular 91-32B *Safety in and Around Helicopters.*
- FAA Advisory Circular 103-7 *Ultralight Vehicle.*
- FAA Advisory Circular 105-2 *Sport Parachuting.*
- FAA Form 7480-1 *Notice for Construction, Alteration and Deactivation of Airports.*
- FAA/FS-I-8700-1 *Information for Banner Towing Operations.*
- FAA-8083-H-5 *Weight-Shift Control Aircraft Flying Handbook.*
- FAA-H-8083-29 *Powered Parachute Handbook.*
- FAA-H-8083-13A *Glider Handbook.*
- FAA-H-8083-11 *Balloon Flying Handbook.*
- FAA-H-8083-21 *Rotorcraft Flying Handbook.*
- FAA-H-8083-23 *Seaplane, Skiplane, and Float/Ski Equipped Helicopter Operations Handbook.*
- *Aeronautical Information Manual* (AIM).
- FAA Flight Standards *FAASTeam Program* references and guidance.
- FAA *Practical Test Standards* (PTS).
- FAA Exemptions, e.g., *FAA Aerotow Operations Exemption #4144.*
- FAA *Approved Flight Manuals* for limitations, performance, or procedures.
- FAA General Counsel *Legal Interpretations.*

Relevant Industry Standards, SOPs, and Guidance

- U.S. Parachute Association (USPA) *Skydiver's Information Manual.*
- U.S. Parachute Association (USPA) *Skydiving Aircraft Operations Manual.*
- U.S. Parachute Association (USPA) *Jump Pilot Training Syllabus.*

- U.S. Parachute Association (USPA) *Flight Operations Handbook.*
- U.S. Parachute Association (USPA) *Basic Safety Requirements (BSR)* Guidelines.
- US Powered Paragliding Association (USPPA) *Airport Ops for Paramotor Pilots & Best Practices.*
- US Hang Gliding & Paragliding Association (USHPA) Guidance & Standards.
- US Ultralight Association (USUA) *Ultralight Pilot's Flight Training Manual.*
- Soaring Society of America (SSA) Training and Courses.
- Soaring Safety Foundation (AAF) Guidance and Safety Programs.
- Experimental Aircraft Association (EAA) *Training Guide for Powered Parachute Ultralights*.
- Experimental Aircraft Association (EAA) *Training Guide for Fixed-Wing Ultralights.*
- Aircraft Owners and Pilots Association (AOPA) Safety Advisor *Operations at Nontowered Airports.*
- Aircraft Owners and Pilots Association (AOPA) *Guide to Creating a Practice Runway*.
- Civil Air Patrol (CAP) Standard 73-2 *Operations Procedures, Glider.*
- Montana DOT *Airport Turf Building and Maintenance.*
- ACRP Reports (e.g., Synthesis 74: *Combining Mixed-Use Flight Operations Safely at Airports).*

Attachment 2

Examples of Common Aeronautical Activities

Note: The examples on this table are provided to illustrate certain common practices. They do not represent a particular airport's or FAA's requirement to be applied in all cases or an individual case.

	Aeronautical Activity	Depiction	Airport Surface/Area Commonly Used	Examples of Controlling Operational Requirement
1.	Glider, Sailplane Operations		*Turf runway or grass areas adjacent to paved areas or dedicated turf runways*	Prevent prolonged runway occupancy, damage to aircraft and runway lights, and personnel or equipment on the runway.
2.	Glider Ground Launch		*Turf runway or grass areas adjacent to paved areas or dedicated turf runways.*	Prevent prolonged runway occupancy, personnel, and equipment on the runway. Ground maneuverability is also an issue.
3.	Fixed-Wing Ultralight		*Turf runway, grass areas adjacent to paved areas, or dedicated landing area.*	Separate from other traffic for safety and efficiency reasons. Many design features are better suited for grass operations.
4.	Helicopter		*Depending on the operation, grass areas, taxiways, or ramps can be used.*	Support specific training and maneuvers (e.g., hover, auto-rotation, Skid Sliding, FOD, external loads).
5.	Airship		*Areas adjacent to paved areas, dedicated mooring areas, and allow vehicle and personnel operations.*	Separate from other traffic and accommodate operational requirements, such as limited maneuverability, space requirements, launch parameters, ground personnel and equipment, etc.
6.	Balloon		*Safe operations may require the use of areas not previously considered as appropriate or needed for aircraft.*	Separate from other traffic and accommodate operational requirements, such as limited maneuverability, space requirements, launch parameters, ground personnel and equipment, etc.
7.	Parachuting		*Usually accommodated on dedicated PDZ, which may be near paved areas.*	Separate from other traffic for safety and efficiency reasons.
8.	Part 103 Paraglider & Paramotors		*Turf runway or grass areas adjacent to paved areas or dedicated turf runways.*	Prevent prolonged runway occupancy, damage to aircraft, and provide separation from other traffic for safety and efficiency reasons.
9.	Gyrocopter		*Can use areas adjacent to paved areas, but also non-runway paved areas in some cases.*	Accommodate certain design features that are better suited for grass operations. Pre-rotation requirements may require a dedicated take-off area other than a runway.
10.	Banner Towing		*Usually require the use of areas adjacent to paved areas.*	Accommodate the associated ground equipment and operations.

11.	Hang Glider Towing & Aerotow		*Turf runway or grass areas adjacent to paved areas or dedicated turf runways.*	Prevent prolonged runway occupancy, damage to aircraft, and provide separation from other traffic for safety and efficiency reasons Some similarities to glider and sailplane operations.
12.	Powered Parachutes		*Turf runway or grass areas adjacent to paved areas or dedicated turf runways.*	Prevent prolonged runway occupancy, damage to aircraft, and provide separation from other traffic for safety and efficiency reasons.
13.	Weight-Shift		*Grass areas adjacent to paved areas or dedicated turf runways.*	Separate from other faster traffic for safety and efficiency reasons.
14.	Taildragger, Pioneer, Vintage, Historic, LSA		*Grass areas adjacent to paved areas or dedicated turf runways.*	Accommodate some taildraggers, vintage, or Light Sport aircraft (LSA) that are better suited (sometimes safer) to operate from grassy areas. Training requirements (e.g., soft field operations) are also relevant.
15.	Special Operations (e.g., Skis, Tundra Tires, Floats)		*Grass areas adjacent to paved areas, dedicated turf runways*	Support special equipment, e.g., tailskids, tundra tires, skis. In addition, winter operations by ski-equipped aircraft may require season-limited use of an area adjacent to the runway. The same is true for floatplane landings on grass in an area adjacent to the runway.
16.	DoD, Public Aircrafts (e.g. Firefighting, Former Military Jets), and 14 Part 21.191 Operating Limitations		*May include the use of unpaved areas, taxiways, access to runway for personnel or equipment.*	Accommodate operating limitations issued under 14 CFR § 21.191, e.g., EOR checks, and drag chute recovery.